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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,079	07/11/2001	Dominique Gerrand	VMF-492-A	6834

7590 12/16/2003

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EXAMINER

SMITH, JULIE KNECHT

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/889,079

Applicant(s)

GERRAND ET AL.

Examiner

Julie K Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/31/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 12-15 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (4,713,568) in view of Mahulikar et al. (5,043,534).

Regarding claim 12, Adam et al. discloses a motor vehicle gear motor comprising a core motor (4) and a reduction gear base (3), the core and base having metal mating flanges with outer peripheries protruding away from the core and base respectively, a joint (4) interposed between the core and the base, said joint having a circular opening. Adam et al. is silent as to the composition of the joint. However, Mahulikar et al. teaches a joint (20) including a sealing material and a metal element that contact metal parts of a core and base, the metal element operable to conduct electrical current between the core and the base (see col. 4, lines 26-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the gear motor of Adam et al. with the seal of Mahulikar et al. so as to provide a seal between the core and base that serves as a means to align the core and base while providing an electrical contact between the core and base so as to maintain the same electric potential across the core and base.

Although Adam et al. does not disclose the gear motor being used for a wiper application, it would have been obvious to one skilled in the art at the time the invention was made to use the gear motor for a wiper application as the motor can be used for various functions within an automobile.

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Although Adam et al. does not disclose the joint being diamond shaped, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a diamond shaped joint, so as to fit the profile of the motor opening. Moreover, it would have merely required routine skill in the art to change the shape of the joint.

Regarding claims 13-15 and 21, Mahulikar et al. teaches the seal having several fixation orifices (see figs. 4 and 6) adjoining the embedded metal elements, the metal elements being disjointed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the gear motor of Adam et al. of with the seal of Mahulikar et al. so as to provide a seal with several fixation orifices for a secure connection between the seal and motor.

Regarding claim 20, Adam et al. discloses the core and base having a cylindrical sector (see figs. 3 and 5) the joint having an opening (see fig. 9), able to receive the cylindrical sector, and a stop (42,43) projecting into the opening.

2. Claims 16-18 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. in view of Mahulikar et al. as applied to claims 12-15 and 20-21 above, and further in view of Duhn (3,182,120).

Regarding claims 16-18, Adam et al. discloses a gear motor with definitive fixation means for the joint to the core motor (21,22,23) as claimed, including a wall (2) that externally surrounds the outer periphery of the mating flange of the core, but does not disclose temporary fixation means as claimed by Applicant. However, Duhn teaches a J-shaped temporary clipping

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lug (29, see fig. 6) on a joint, the lug having a wall extending substantially orthogonally from an edge of the joint and that surrounds the outer periphery of a mating flange when assembled. The temporary clipping lug further comprises an access orifice in order to remove the temporary fixing means.

Therefore, it would have been obvious to one of ordinary skill in the art to provide the joint of the reference combination set forth above with a temporary clipping lug so that the joint could be temporarily attached to the gear motor housing and then attached to the base. This method of assembling the motor would reduce the complexity of assembling the apparatus and ensure that the base and housing were properly aligned so as to provide a tight seal between the two portions to save maintenance cost by preventing fluid leakage. It would have further been obvious to provide an access orifice in the lug so as to provide a way to release the lug once the definitive fixing means had been secured.

With respect to claims 22 and 23, it should be noted that the applicant defines the product in terms of a process by which it is made is nothing more than a permissible technique the applicant may use to define the invention since there is no structural difference is required.

Response to Arguments

3. Applicant's arguments with respect to claims 12-23 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

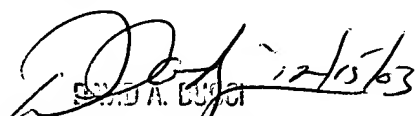
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Smith whose telephone number is 703-305-3948. The examiner can normally be reached on Monday-Friday, 8-5:30, (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on 703-308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Jes
Jks

December 12, 2003


DAVID A. BUCCI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600